

## **PARTNERSHIP AGREEMENT**

Between the  
Texoma Workforce Development Board  
and  
Chief Elected Officials  
For  
The Texoma Workforce Development Area

This agreement is entered into, by and between the Texoma Workforce Development Board, and the Chief Elected Officials of Cooke, Fannin and Grayson Counties, as defined by Texas legislation and governing rules and regulations.

WHEREAS, the Texoma Local Workforce Development Board, hereafter referred to as the Board, as duly certified by the Governor of the State of Texas on October 18, 1996, is recognized as the entity in the Texoma Local Workforce Development Area, hereafter referred to as the Area, with responsibility to provide policy planning, contracting, program oversight, and evaluation of programs funded through the Texas Workforce Commission (TWC); and

WHEREAS, pursuant to HB 1863, Section 11.23 (f), Texas Labor Code 302.062 74<sup>th</sup> Legislature, and Workforce Investment Act (WIA) Sec 117(B), it is necessary for the Chief Elected Officials (CEOs) and the Board to enter into a partnership agreement, setting forth the roles, responsibilities, relationships, and functions of each party hereto, and to determine procedures for the development of the local workforce development plan; and

WHEREAS, the CEOs are required to be parties to this agreement and have selected the Honorable –**Drue Bynum**, Grayson County Judge, as their authorized representative to enter into this agreement on their behalf and perform the duties as signatory authority; and

WHEREAS, **Ms. Candy VanSant** has been duly elected to serve as Chairperson of the Board and the authorized representative to enter into this agreement on the Board's behalf, and

**NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE PREMISES, BE IT RESOLVED THAT THE PARTIES HERETO AGREE TO SET FORTH ROLES, RESPONSIBILITIES, RELATIONSHIPS, AND FUNCTIONS AS FOLLOWS:**

### **I. PURPOSE OF AGREEMENT**

The purpose of this Partnership Agreement is to define the authority, roles, and responsibilities of the Board and the Chief Elected Officials, and to determine the procedures for developing the local workforce plan.

The CEOs hereby charge the Board, to design and implement a locally delivered workforce development system which will enable government, business, education, and labor to provide the

Area with a well-trained, highly-skilled, and competitive workforce. The Board, in concurrence with the CEOs will move toward the goals of integration of resources and programs, sustained and meaningful involvement of the private sector, and a training and education system that serves the needs of both employers and the job seekers of the Area.

## **II. AUTHORITY, ROLES, RESPONSIBILITIES**

### **GENERAL RESPONSIBILITIES OF BOARD AND CEOs**

The Texoma Workforce Development Board is named the administrative entity and is directly responsible for the strategic and operational planning and administration of workforce training and services funded through the Texas Workforce Commission to the Area. The Board will submit for review and approval by the CEOs the strategic plan annually.

While the Board will be responsible for effective outcomes consistent with statewide goals, objectives, and performance standards approved by the Governor, it is understood that the Area's CEOs will take an active role in promoting an effective workforce program and through the Board, assure the proper use of federal and state funds for program development, implementation, and oversight. In addition, the CEOs will be informed by the Board on all matters of strategic importance including but not limited to: workforce center implementation, financial stability, program effectiveness, Board membership vacancies, and other matters regarding the program.

### **Funds Allocation**

The Board is designated as the grant recipient to receive and be accountable for block grant funds. Resources allocated to the Texoma Board will be distributed according to federal and state allocation formulas. In the absence of required formulas, funds distribution will be determined by the Board which will consider unemployment rates, levels of poverty, minority and total population figures, workforce training needs, literacy levels, and educational needs on a proportionate basis.

### **Audit**

The Texoma Workforce Development Board shall provide an annual financial and compliance audit, conducted by an independent firm, covering all programs, services and funds received and expended under the terms of this agreement to the parties hereto, to the Chief Elected Officials of the region and to the appropriate state and federal authorities.

### **Liability**

Responsibilities for disallowed costs and other liabilities will be as follows:

- First Priority: recover funds from the service provider (s) incurring the liability;
- Second Priority: recover funds from an insurance carrier or bond issuer;
- Third Priority: recover WIA funds from Chief Elected Officials [WIA Sec 117(B)(i)(I)].

### **Open Meetings**

The Board and CEOs will meet according to the provisions of the Open Meetings Act and WIA Sec 117(e).

### **Reimbursements of Expenses**

Neither Board members nor CEOs will serve for compensation, although appropriate and reasonable workforce expenses e.g. travel, training and conferences outside the area, may be reimbursed according to Board travel policies.

### **III. Local Workforce Development Board Responsibilities**

The Board will carry out and comply with all applicable laws and regulations, including the responsibilities as assigned in SB 642, amended by HB 1863, Texas Labor Code 302.062 74<sup>th</sup> Legislature, current federal JTPA law as amended, WIA, and any subsequent legislation granting authority to a local private sector led board for workforce development. The Board is directly responsible and accountable to the Texas Workforce Commission for the planning and oversight of all workforce training and services and for evaluation of all workforce development programs, including Job Training Partnership Act until closed out, funded through the Texas Workforce Commission.

### **Additional Responsibilities**

The Board will be responsible, either directly or indirectly through staff, for the following:

- Providing policy guidance on matters pertaining to the provisions of services under state and federal law.
- Establishing a workforce center that markets workforce services to businesses in the Area. The Board will solicit input and participation of the local business community, serve as a single point of contact for local business to communicate their skill needs, and influence the direction of all workforce development programs and services in the workforce development area.
- Considering solicitation of additional funds from other sources, both public and private, but may not solicit funds from an entity with which the Boards contracts for the delivery of services.
- Developing a local workforce plan which will be jointly approved with the CEOs.
- Developing and approving an annual budget.
- Assuming the functions and responsibilities of local workforce development advisory boards, councils, and committees authorized by federal or state laws, including but not limited to private industry councils, quality workforce planning committees, job service employer committees. The Board may also form committees to review local general

vocational programs for the purpose of making recommendations for future workforce training.

- Monitoring and evaluating the effectiveness of the workforce centers, state agencies and other contractors providing workforce training and services, and vocational and technical education programs operated by local education agencies and institutions of higher education to ensure that performance is consistent with state and local goals and objectives. This includes approving the termination of any contract or program if not meeting programmatic or regulatory standards.
- Keeping the CEOs informed regarding Board activities, through:
  - agendas for meetings
  - written reports summarizing board and workforce center activities, including planning, administration, monitoring, evaluation and financial activities; Board meeting minutes;
  - copies of all annual audit reports; and briefing and/or special reports as may be requested by the CEOs.

All CEOs will serve as ex-officio members of the Texoma Board and will have no voting privileges. The Texoma Board Chairperson will send written reports of meeting minutes, pertinent committee reports, local plans, actions taken by the designated CEO, and other information to all CEOs party to this agreement as the representative CEO requests.

- Reviewing, verifying, modifying, and using labor market information developed through the state or other labor market information systems to identify occupation-specific labor demand in the Area.
- Promoting cooperation and coordination among public organizations, community organizations, and private business providing workforce development services.
- Representing the Area in any meetings, conferences, negotiations, or other activities deemed appropriate for the proper administration of the programs.
- Ensuring that employment services are provided for persons seeking employment in the Area through contracting with appropriate entities.
- Designing creative programs that fit the unique characteristics and needs of the Area by drawing on and uniting the resources of the local community and determine and meet the needs of the local service populations, businesses, and industries.

- Adopting programs to enhance the ability of recipients of financial assistance and services under Chapter 31, Human Resources Code, who are eligible to participate in the Choices training program and/or Welfare-to-Work program to obtain and retain gainful employment.
- Functioning in accordance with all other responsibilities in applicable state and federal laws and in accordance with the established Board by-laws and plan.

### **Release of Liability**

A member or former member of a local workforce development board will not be held personally liable for any claim, damage, loss, or repayment obligation of federal or state funds that arise from the Act unless the act or omission that causes the claim, damage, loss, or repayment obligation constitutes official misconduct on the part of the Board member, willful disregard of the requirements of the Act on the part of the Board member, or gross negligence on the part of the Board member.

## **IV. CHIEF ELECTED OFFICIALS RESPONSIBILITIES**

### **Board Appointments**

The Chief Elected Officials will be responsible for Board member appointments. CEOs will select community leaders from their jurisdictions to serve on the Board who will forge working relationships with business and agencies throughout the Area. CEOs will attempt to ensure that the industrial, ethnic, and gender diversity of the region is maintained on the Board through their appointment responsibility.

Appointment of Board members will be consistent with state and federal laws, including Section 4.02 of SB 642, as amended by Texas Labor Code 302.062 74<sup>th</sup> Legislature, the federal Job Training Partnership Act, Section 117 of WIA, and any successor legislation.

CEOs may appoint a maximum of 36 members, with each CEO selecting up to 5 private sector representatives, representing a balance among the three counties, with at least 1 community-based or labor organization per CEO, one education representative from each county and nine at-large members representing vocational rehabilitation, public assistance, economic development, organized labor, literacy councils, adult basic/continuing education and Texas Workforce Commission. The minimum number of Board members will be 27.

### **Board Terms and Re-appointments**

CEOs will appoint board members to serve fixed and staggered three year terms of office, expiring on June 30 in the relevant year. In order to continue to serve on the Board, members must be re-appointed in the same manner as the original appointment when their term expires. Re-appointments will be at the discretion of the CEOs.

**Board Vacancies**

Any vacancy in Board membership will be filled by CEOs in the same manner as the original appointment. Appointees to vacant positions will serve until the end of the term assigned to the position in question.

**Board Member Removal**

Any member of the Board may be removed by a two-thirds majority vote of the Board or by majority vote of the Chief Elected Officials.

**V. PROCEDURES FOR DEVELOPMENT OF LOCAL PLAN**

**Procedures of the Board and CEOs**

The Board will be responsible for developing a single Local Area Plan for the delivery of workforce training and services that includes a strategic and operational component as required by Texas Senate Bill 642 and HB 1863, Texas Labor Code 302.062 74<sup>th</sup> Legislature, WIA, any successor legislation, and any TWC rules.

In consultation with the CEOs, the Board will establish general parameters and goals of the Local Area Plan. It is also the Board's intention that other interested parties will have an input into the planning process and that the final plan will be consistent with the state's strategic plan.

The Chief Elected Officials represented in the Chief Elected Officials Agreement will be provided a copy of the strategic plan to review prior to the Board's approval. The Board and the CEOs will have joint responsibility for plan approval.

The Board and the Lead Chief Elected Official will be responsible for strategic and local area plan approval. The Local Area Plan will be approved by the Board and the CEOs.

It is understood by all parties to this agreement that this plan is the basis for receipt of state and federal funds for workforce development programs. Any delays in plan development and approval threatens the availability of these funds to provide programs to the Area. Therefore, it is agreed by all parties that negotiations on specific program items must be completed no later than May of any program year.

**VI. ACCOMMODATING CHANGE**

**Dispute Resolution**

Any disputes between partners to the agreement shall be resolved through a Board committee composed of equal representation (two members) from each. Committee membership shall be appointed by the Chair of the Texoma Board and the lead CEO insofar as possible from members who are not residents of any jurisdiction where an action may be at issue. The Lead CEO shall act as Chair of the committee, with voice, but no vote except in case of a tie. An independent mediator shall have final authority in any dispute resolution between the Board and CEOs.

**Amending Provisions**

This agreement may be amended by the request of any party hereto, consistent with the law, through written agreement by both parties hereto. Any alterations, additions, or deletions to the terms of this Agreement which are required by changes in federal or state law or regulations are automatically incorporated into this Agreement without written amendment hereto and shall become effective on the date designated by such law or regulation.

**Terms of Agreement**

The terms of this agreement are effective from the date of signing until June 30, 2009. This agreement may be amended at any time to reflect any changes in fiscal agent/grant recipient, administrative agency or legislation.

This agreement will terminate if either party provides 90 days written notification to the other of its intention to terminate.

This agreement constitutes the sole and only agreement between the parties hereto and supersedes any prior understandings or written or oral agreement between the parties respecting and within the subject matter of this agreement. In addition, no other agreement, assertion, statement, understanding of other commitment occurring during the term of this agreement, or subsequent thereto, shall have any legal force of effect whatsoever unless properly executed in writing and if appropriate, recorded as an addendum to, or amendment of, this agreement.

WHEREFORE, WITNESS OUR HANDS BINDING THE RESPECTIVE PARTIES TO THIS AGREEMENT:

APPROVED:

APPROVED:

BY: \_\_\_\_\_  
Honorable Drue Bynum  
Lead Chief Elected Official

BY: \_\_\_\_\_  
Candy VanSant  
Board Chairperson

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_

ATTEST: \_\_\_\_\_